

REMARKS

Claims 131-146 have been added, and claims 9-130 have been deleted, without prejudice for renewal in a continuation application.

Claim 131 corresponds exactly to claim 1 of U.S. Patent 5,922,065 (the '065 patent), which issued to Hull et al. on July 13, 1999. Claim 132 corresponds exactly to claim 2 of the '065 patent. Claim 133 corresponds exactly to claim 3 of the '065 patent. Claim 134 corresponds exactly to claim 17 of the '065 patent. Claim 135 corresponds exactly to claim 19 of the '065 patent. Claim 136 corresponds exactly to claim 22 of the '065 patent. Claim 137 corresponds exactly to claim 30 of the '065 patent. Claim 138 corresponds exactly to claim 31 of the '065 patent.

Claim 139 substantially corresponds to claim 1 of the '065 patent. Claim 140 substantially corresponds to claim 2 of the '065 patent. Claim 141 substantially corresponds to claim 3 of the '065 patent. Claim 142 substantially corresponds to claim 17 of the '065 patent. Claim 143 substantially corresponds to claim 19 of the '065 patent. Claim 144 substantially corresponds to claim 22 of the '065 patent. Claim 145 substantially corresponds to claim 30 of the '065 patent. Claim 146 substantially corresponds to claim 31 of the '065 patent.

Applicant respectfully requests that an interference be declared under 37 C.F.R. §1.607 between the present application and the '065 patent.

The present application, U.S. Patent Application Serial No. 09/057,861, filed on April 9, 1998 has an effective filing date of November 5, 1993. U.S. Patent Application Serial No. 09/057,861 is a continuation of U.S. Patent Application Serial No. 08/754,337, filed on November 22, 1996 and issued as U.S. Patent No. 5,794,003 (the '003 patent) issued on August 11, 1998; which is a continuation of U.S. Patent Application Serial No. 08/498,135 filed on July 5, 1995, and which is a continuation of U.S. Patent Application Serial No. 08/147,797 filed November 5, 1993 (abandoned). U.S. Patent Application Serial No. 08/147,797 filed November 5, 1993 incorporates by reference U.S. Patent Application Serial No. 08/147,800 filed November 5, 1993 (abandoned), a continuation which is U.S. Patent Application Serial No. 08/422,753 filed April 13, 1995 and issued as U.S. Patent No. 5,560,028 (the '028 patent) on September 24, 1996.

Applicant believes that the applicant would be senior party in any interference proceedings. The '065 patent issued from U.S. Patent Application Serial No. 08/949,279, filed on October 13, 1997. In contrast, as detailed above, the present application has an effective filing date of November 5, 1993. This date is almost four years earlier than when the '065 patent was filed. Further, the present application incorporates by reference the '028 patent that issued as a patent on September 24, 1996.

Under M.P.E.P. §2307 and 37 C.F.R. §1.607, applicant requests this interference be declared between the present application and the unexpired '065 patent, and asserts he has satisfied each requirement of 37 C.F.R. §1.607 as follows:

- (1) The unexpired patent is U.S. Patent No. 5,922,065, which issued to Hull, et al. on July 13, 1999.
- (2) The Proposed Count is as follows:

Count 1

A processor comprising:

a register file having a plurality of registers;
an instruction set including instructions which address the registers, each instruction being one of a plurality of instruction types;

a plurality of execution units, each execution unit being one of a plurality of types, wherein each instruction type is executed on one or more execution unit types;

and further wherein the instructions are encoded in bundles, each bundle including a plurality of instructions and a template field grouped together in a N-bit field, the instructions being located in instruction slots of the N-bit field, the template field specifying a mapping of the instruction slots to the execution unit types.

OR

A processor comprising:

a register file having a plurality of registers;
an instruction set including instructions which address the registers, each instruction being one of a plurality of instruction types;
a plurality of execution units, each execution unit being one of a plurality of types, wherein each instruction type is executed on one or more execution unit types;
and further wherein the instructions are encoded in frames, each frame including a plurality of instructions and routing data grouped together in an N-bit field, the instructions being located in instruction positions of the N-bit field, the routing data specifying a routing of the instructions in the instruction positions to the execution unit types.

The Proposed Count is a phantom count and, as is required under 37 C.F.R. §1.606, is not narrower in scope than any patent claim or pending application claim designated to correspond to the count. The first part of the Proposed Count corresponds exactly to claim 1 of the '065 patent and the second part of the Proposed Count corresponds exactly to claim 139, the broadest claim, of the present application.

- (3) It is respectfully submitted that all claims (1-31) of the '065 patent correspond to the Proposed Count. Claim 1 of the '065 patent corresponds exactly to the Proposed Count. Claims 2-31 of the '065 patent correspond substantially to the Proposed Count, since each would have been obvious in view of the Proposed Count.
- (4) It is respectfully submitted that claims 131-146 of the present application correspond to the Proposed Count. Claim 131 corresponds exactly to the Proposed Count. Claims 132-146 correspond substantially to the Proposed Count, since each would have been obvious in view of the Proposed Count.



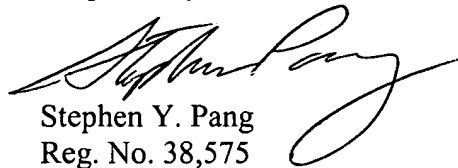
- (5) Support for claims 131-146, added herein, is set out in Attachment A. In Attachment A, the terms of the application claims 131-146 are applied to the proposed involved application, and for convenient reference, the '028 patent. More specifically, the column and line references of Attachment A are to the '028 patent, a copy of which is included in Attachment C hereto for the Examiner's convenience. As discussed above, the '028 patent issued from an application that was incorporated by reference into the grandparent of the proposed involved application. Additionally, the terms of claims 131 and 139 are applied to the applicant's proposed involved application Serial No. 09/057,861.
- (6) The requirements of 35 U.S.C. §135(b) are met because the '065 patent was issued on July 13, 1999, which is less than one year before the Express Mail filing date of this Supplementary Amendment (July 5, 2000) which adds claims 131-146 to the above-referenced application.

CONCLUSION

In view of the above, applicant believes that no new matter has been introduced. Applicant respectfully requests that the Examiner declare an interference with the '065 patent, and furthermore, requests that the examination of the present application be conducted with special dispatch, per 37 C.F.R. §1.607(b).

As noted in a recent presentation by Judge Richard Schafer, (See Attachment B hereto) applicant is available to assist the Examiner in complying with the requirements of Rule §609(b) and Form 850. With this in mind, the undersigned invites the Examiner to call the telephone number listed below to discuss any issues the Examiner may have.

Respectfully submitted,


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